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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-878*

13 **COLETTE MARIE TAPP**
14 **3883 Carnegie Avenue NW**
Massillon, OH 44646

A C C U S A T I O N

15 **Registered Nurse License No. 596433**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On March 19, 2002, the Board of Registered Nursing issued Registered Nurse
24 License Number 596433 to Colette Marie Tapp (Respondent). The Registered Nurse License
25 expired on August 31, 2005, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 8. Respondent has subjected her Registered Nurse License to disciplinary action
4 under Code section 2761, subdivision (a)(4), in that her Mississippi registered nurse license was
5 disciplined by the State of Mississippi Board of Nursing (Mississippi Board) in a disciplinary
6 action. The circumstances are as follows.

7 9. Respondent was vested with the right to practice nursing in the State of
8 Mississippi by virtue of License No. R788478 issued by the Mississippi Board.

9 10. On June 8, 2009, the Mississippi Board recorded a Final Order ratifying the
10 Agreed order dated June 5, 2009, against Respondent's registered nurse license in a matter
11 entitled, *In the Matter Of Mississippi License No. R-788478 issued to: Colette Tapp, 2422 19th*
12 *Avenue, Gulfport, Ms 39501, Respondent, DOB: 07/08/1964*, charging that she violated
13 Mississippi Code of 1972 Annotated (MC) section 73-15-29, subdivision (1)(l) by engaging in
14 unprofessional conduct as identified by the Mississippi Board in its rules, particularly, Chapter
15 II, section 1.2, subdivision (g), to wit, misappropriating drugs, supplies, or equipment.

16 11. The facts that led to the discipline are as follows. On or about December 2008,
17 Respondent removed a 5cc vial of Decadron for a patient while working at Biloxi Regional
18 Hospital and took the remaining 3 cc's of the Decadron home. On January 28, 2009, Respondent
19 admitted that she injected herself with 2 cc's of the 3 cc's of Decadron that she took home.

20 12. On June 5, 2009, the Mississippi Board approved and accepted an Agreed Order
21 executed by Respondent on April 29, 2009, as its order in resolution of the disciplinary action. In
22 the Agreed Order, Respondent agreed to complete a Board-approved workshop or in-service in
23 Legal Aspects of Nursing, which was imposed pursuant to MC section 73-15-29, subdivision (2).

24 **PRAYER**

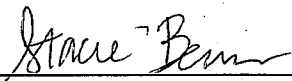
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein
26 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 596433, issued to
28 Colette Marie Tapp;

2. Ordering Colette Marie Tapp to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 8, 2013

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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